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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,188	12/02/2003	Roger Sarver	NSC1P286/P05740	4986
22434	7590	11/04/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP			ADAMS, GREGORY W	
P.O. BOX 70250			ART UNIT	
OAKLAND, CA 94612-0250			PAPER NUMBER	

3652

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/727,188	SARVER ET AL.	
	Examiner	Art Unit	
	Gregory W. Adams	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-3, 5-7, 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by White et al. (US 3,915,317). It is noted that although White handles dental packets, a recitation of the intended use of the claimed invention, e.g. to handle wafers, must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

With respect to claims 1-3, White discloses housing 22, member 40, housing supports 42 wherein housing supports are flexible.

With respect to claims 5-7, White discloses a transfer arm 40, basket 28 and basket lift 26.

With respect to claims 8-10, White discloses a housing 22, housing supports 42 and a basket 28, basket lift 26.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16-17 rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (US 3,915,317). White discloses positioning wafers proximate to a housing 22 which has supports 42, transferring wafers into a housing 22, releasing wafers from supports 42 so as to collect wafers in a stack, releasing further comprising flexibly releasing wafers from flexible supports and onto a stack. White does not disclose handling wafers, but White teaches a process for transferring and stacking dental packets, i.e. thin, small objects. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was to use White's process to stack wafers instead wafers are thin and small.

5. Claims 4, 11-12, 18 rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (US 3,915,317) in view of Hardy (US 2,407,782).

With respect to claim 4 & 11, 18, White does not disclose pivotal housing supports. Hardy discloses pivotal housing supports 13 such that during stacking such that prior to placement on a stack, an individual unit is held horizontal whereupon placement upon a stack housing support pivot by engaging a stack yielding an even stack. Col. 1; col. 4. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the modify White to include pivoting supports, as per the teachings of Hardy, to produce an even stack.

With respect to claim 12, White discloses a transfer arm 40, basket 28 and basket lift 26.

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6. Claims 13-15 & 19 rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (US 3,915,317) in view Nichols (US 5,735,662). White discloses transporting articles via any suitable transport mechanism, and does not disclose pushing wafers to transfer from a cassette to a housing. Nichols discloses a transferring further comprising pushing wafers from a wafer cassette to a housing through a transfer guide. Nichols teaches that mass production requires transfer from a cassette which supports processed wafers to a housing for further process steps such as transportation. Cols. 1-2. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the transport mechanism of White to include pushing wafers from a cassette to a housing, as per the teachings of Nichols, such that the wafers are ready for further transportation.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600